

Application No.: 10/584,191
Art Unit: 3682

Amendment under 37 CFR §1.111
Attorney Docket No.: 062714

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to Fig. 9. In the attached sheet of drawings, "RELATED ART" reference has been added.

REMARKS

Claims 1-8 are pending in the present application. By this Amendment, claims 1-2, 5-6 and 8 have been amended and claim 3 has been canceled. It is submitted that this Amendment is fully responsive to the Office Action dated August 11, 2008.

Drawings

The drawings filed on June 23, 2006 are objected to by the Examiner. The Examiner requests that Figure 9 be labeled as "Prior Art" since the Examiner alleges it shows only that which is old in the art.

This objection is respectfully traversed. It is noted that pages 1-2 of the present specification refer to Fig. 9 under the heading of "Background Technology." As such, Fig. 9 has been amended to include a designation of "Related Art."

Specification

The specification is objected to because the title of the invention is not descriptive and the specification refers to claims.

This objection is respectfully traversed. It is submitted that such errors have been corrected by the present Amendment.

Claim Rejections - 35 U.S.C. §112

Claims 1-5 are rejected under 35 U.S.C. §112, second paragraph, as being indefiniteness.

This rejection is respectfully traversed. It is submitted that claims 1, 2 and 5 have been amended to overcome this rejection. The Amendment to claim 1 is supported by the specification (page 8, lines 21-25). The Amendment to claim 2 is supported by the specification (page 8, lines 2-7). The Amendment to claim 5 is supported by the specification (page 13, line 22 to page 14, line 6).

Claim Rejections - 35 U.S.C. §102

Claims 1-3, 6 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Takei (JP 04-164540).

This rejection is respectfully traversed. Claim 1, as amended, now calls for “*wherein an outer periphery of the track member has a substantially circular-arc shape in the section.*” Independent claims 6 and 8 have been amended to include the similar features. This Amendment is supported by claim 3 and the specification (page 10, lines 1-2). In accordance with this Amendment, dependent claim 3 has been cancelled.

On page 3, item 7 of the Action, the Examiner alleges that an element 1005 of Fig. 23 of Takei corresponds to the track member of the present claimed invention. However, it is noted that, as clearly described in Fig. 23 of Takei, the outer periphery of the element 1005 has a rectangular shape in the section perpendicular to the axial direction.

On the contrary, in the present claimed invention, an outer periphery of the track member has a substantially circular-arc shape in a section perpendicular to the axial direction of the track member

Therefore, Takei fails to disclose or fairly suggest the claimed feature of “*wherein an outer periphery of the track member has a substantially circular-arc shape in the section,*” as called for in amended claim 1 and similarly in amended claims 6 and 8.

Accordingly, claims 1, 6 and 8 distinguish over Takei.

Claim 2 is dependent from claim 1 and recites the additional features set forth therein. Accordingly claim 2 also distinguishes over Takei for at least the reasons set forth above.

Claim Rejections - 35 U.S.C. §103

Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuo et al. (US 2003/0164054) in view of Takei (JP 04-164540).

This rejection is respectfully traversed.

Independent claims 1 and 6

With regard to the disclosure of Kuo, the Examiner clearly acknowledges the drawbacks and deficiencies of Kuo, that is, Kuo does not disclose the feature of “*the track member has a substantially circular-arc shape in a section perpendicular to the axial direction of the track member*” (page 8, item 6 of the Action).

In an attempt to cure the above-noted drawbacks and deficiencies of Kuo, the Examiner relies on the teachings of Takei and alleges that Takei discloses this feature by relying on Fig. 23 of Takei.

However, as discussed above, Takei fails to disclose or fairly suggest the amended claimed feature of “*wherein an outer periphery of the track member has a substantially circular-arc shape in the section,*” as called for in amended claim 1 and similarly in amended claim 6.

Therefore, even if, assuming *arguendo*, that Kuo may be combined with Takei in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*wherein an outer periphery of the track member has a substantially circular-arc shape in the section,*” as called for in amended claim 1 and similarly in amended claim 6.

Accordingly, claims 1 and 6 distinguish over Kuo and Takei.

Claims 4 and 7 are dependent from claim 1 or 6 and recite the additional features set forth therein. Accordingly claims 4 and 7 also distinguish over Kuo and Takei for at least the reasons set forth above.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takei (JP 04-164540) in view of JP 61-29163.

This rejection is respectfully traversed. claim 5 is dependent from claim 1 and recites the additional features set forth therein. Accordingly claim 5 also distinguishes over Takei and JP 61-29163 for at least the reasons set forth above.

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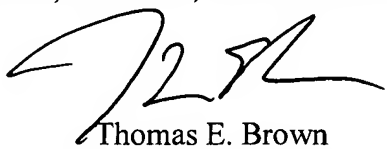
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In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'TEB', is written over the printed name of Thomas E. Brown.

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